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OFFICE OF PETITIONS

In re Application of	:	
Stuart STUPLE, et al	:	
Application No. 10/668,664	:	DECISION ON PETITION
Filed: September 23, 2003	:	
Attorney Docket No.	:	
600001.0379US01/MS302475.1	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed June 18, 2007, to revive the above-identified application.

The petition is **GRANTED**.


The application became abandoned for failure to reply in a timely manner to the Notice of Non-Compliant Amendment mailed, September 18, 2006, which set a reply of one (1) month. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on October 19, 2006.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of an amendment, (2) the petition fee of \$1500; and (3) the required statement of unintentional delay.

An extension of time under 37 CFR 1.136 must be filed prior to the expiration of the maximum extendable period for reply. See In re Application of S., 8 USPQ2d 1630, 1631 (Comm'r Pats. 1988). Since the \$120 extension of time fee submitted with the petition on June 18, 2007 was subsequent to the maximum extendable period for reply, this fee is unnecessary and will be credited to petitioner's deposit account 13-2725.

Telephone inquiries concerning this decision should be directed to Diane Goodwyn at (571) 272-6735.

This application is being referred to Technology Center AU 2178 for appropriate action by the Examiner in the normal course of business on the reply received June 18, 2007.

A handwritten signature in black ink, appearing to read "Thurman Page", with a stylized flourish at the end.

Thurman Page
Petitions Examiner
Office of Petitions